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Remarks

In the Office Action mailed on April 5, 2006, the Examiner objected to the drawings under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the Examiner states that "Figs. 11-19 do not show that the receptacle has a hole and a prong extending from the hole."

In response, the Applicants respectfully submit that the features indicated by the Examiner are shown in the drawings. The Examiner's attention is directed to Figs. 21 and 23 of the drawings as originally filed, and also to the enclosed marked-up copies of Figs. 11 and 12, showing prongs 30 extending from pin holder 28. The Examiner's attention is also directed to the enclosed marked-up copies of Figs. 17a and 18, showing the locations of the holes in which prongs 30 are inserted.

The Examiner also objected to the specification under 37 CFR §1.71 as failing to teach "how the food item is held or gripped by the food holder 66 during the slicing operation."

Page 5, lines 16-18 of the specification as originally filed state:

"In operation, the meat product is placed within the meat holder 66. The meat holder 66 and the arms 68 are then placed over the first end 50 of the lower portion 46."

Meat holder 66 provides a means for containing a portion of the meat product therein while also providing push surfaces enabling a user to drive the meat product through blades 55, thereby cutting the meat product into the substantially equivalently-sized portions described in the specification. This operation is described on page 5, in lines 16-24 of the specification as originally filed. The meat holder is structured to inherently provide the required containment and push surfaces, and any one of a variety of structures suitable for providing the containment and known to one of ordinary skill in the art are contemplated. For example, if desired, the interior of meat holder 66 may be structured to engage the portion of the meat product in an interference fit.

The Examiner also rejected claims 5-7, 13, and 14 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement

As stated above with respect to the Examiner's objection to the specification under 37 CFR §1.71, meat holder 66 provides a means for containing a portion of the meat product therein while also providing push surfaces enabling a user to drive the meat product through blades 55, thereby cutting the meat product into the substantially equivalently sized portions described in the specification. This operation is described on page 5, in lines 16-24 of the specification as originally filed. The meat holder is structured to inherently provide the required containment and push surfaces, and as inherently described, any one of a variety of structures suitable for providing the containment

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are contemplated. For example, if desired, the interior of meat holder 66 may be structured to engage the portion of the meat product in an interference fit.

The Examiner also rejected claims 1, 2, 9, and 10 under 35 U.S.C. 102(b) as being anticipated by Hodges et al., U.S. Patent No. 6,018,876.

In response, Applicants respectfully submit that Hodges et al. '876 does not disclose "...a plurality of blades extending across said interior in a plane perpendicular to said inner and outer walls for cutting a food item..." as recited in claim 1. As seen in FIG. 2 of the reference, each of blades 22 extends *downward* from a first portion of inner surface 14 to a second portion of the inner surface circumferentially spaced apart from the first portion. Thus, blades 22 do not extend "...across said interior in a plane perpendicular to said inner and outer walls" as recited in claim 1 of the present application. Therefore, as the cited reference fails to disclose all of the features recited in claim 1, the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Hodges et al. '876 should be withdrawn.

The Examiner also rejected claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Hodges et al. '876, in view of Berler, U.S. Patent No. 4,250,771.

As stated above, FIG. 2 of Hodges et al. '876 shows that each of blades 22 extends *downward* from a first portion of inner surface 14 to a second portion of the inner surface circumferentially spaced apart from the first portion. Thus, Hodges et al. '876 does not show or suggest "...a plurality of blades *extending across said interior in a plane perpendicular to said inner and outer walls* for cutting a food item..." as recited in claim 1. In addition, Berler '771 also fails to show or suggest "...a plurality of blades *extending across said interior in a plane perpendicular to said inner and outer walls* for cutting a food item..." as recited in claim 1. Thus, as neither of the cited references shows or suggests all of the features recited in claim 1, no combination of the references would show or suggest all of these features. Therefore, a prima facie case of obviousness of claim 1 in view of the cited references has not been made, and the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over Hodges et al. '876, in view of Berler '771 should be withdrawn. Also, as claim 1 is deemed patentable and as claim 6 depends from claim 1, claim 6 should also be deemed patentable. In addition, as claim 7 depends from claim 6, claim 7 should also be deemed patentable.

The Examiner also rejected claims 1, 2, 4, 9, and 10 under 35 U.S.C. 103(a) as being unpatentable over Way (Design Patent No. 284,441) in view of Pesce, U.S. Patent No. 2,675,580, and rejected claims 1, 2, 4, 9, and 10 under 35 U.S.C. 103(a) as being unpatentable over Pesce '580 in view of Way 284,441.

In response, with respect to claim 1, Applicants respectfully submit that Pesce '580 shows blades 14 extending or sloping radially inwardly, or *away from*, the opening of casing 10. Thus, Pesce '580 does not show or

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suggest "...a plurality of blades *extending across said interior in a plane perpendicular to said inner and outer walls* for cutting a food item..." as recited in claim 1. In addition, because Way 284,441 shows only a single blade and because the orientation of the blade within the interior of the device cannot be determined from the drawings, Way does not show or suggest "...a plurality of blades *extending across said interior in a plane perpendicular to said inner and outer walls* for cutting a food item..." as recited in claim 1. As neither of the cited references shows or suggests all of the features recited in claim 1, no combination of the references would show or suggest all of these features. Therefore, a prima facie case of obviousness of claim 1 in view of the cited references has not been made, and the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over Way 284,441 in view of Pesce '580 should be withdrawn.

With respect to claim 2, Applicants respectfully submit that Pesce '580 shows blades 14 extending or sloping radially inwardly, or *away from*, the opening of casing 10. Thus, Pesce '580 does not show or suggest "...a plurality of blades *extending across and said interior in a plane perpendicular to said inner and outer walls* for cutting a food item..." as recited in claim 2. In addition, because Way 284,441 shows only a single blade and because the orientation of the blade within the interior of the device cannot be determined from the drawings, Way does not show or suggest "...a plurality of blades *extending across and said interior in a plane perpendicular to said inner and outer walls* for cutting a food item..." as recited in claim 2. As neither of the cited references shows or suggests all of the features recited in claim 2, no combination of the references would show or suggest all of these features. Therefore, a prima facie case of obviousness of claim 2 in view of the cited references has not been made, and the rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Way 284,441 in view of Pesce '580 should be withdrawn.

With respect to claim 4, as claim 1 is deemed patentable in view of the cited references, and as claim 4 depends from claim 1, claim 4 should also be deemed patentable.

With respect to claim 9, as claim 1 is deemed patentable in view of the cited references, and as claim 9 depends from claim 1, claim 9 should also be deemed patentable.

With respect to claim 10, as claim 1 is deemed patentable in view of the cited references, and as claim 10 depends from claim 1, claim 10 should also be deemed patentable.

The Examiner also rejected claims 6, 7, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Pesce '580 in view of Way 284,441 and further in view of Berler '771.

In response, with respect to claim 1, Applicants respectfully submit that Pesce '580 shows blades 14 extending or sloping radially inwardly, or *away from*, the opening of casing 10. Thus, Pesce '580 does not show or suggest "...a plurality of blades *extending across said interior in a plane perpendicular to said inner and outer walls* for cutting a food item..." as recited in claim 1. In addition, Berler '771 also fails to show or suggest "...a plurality of blades *extending across said interior in a plane perpendicular to said inner and outer walls* for cutting a

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food item..." as recited in claim 1. Also, because Way 284,441 shows only a single blade and because the orientation of the blade within the interior of the device cannot be determined from the drawings, Way does not show or suggest "...a plurality of blades extending across said interior in a plane perpendicular to said inner and outer walls for cutting a food item..." as recited in claim 1.

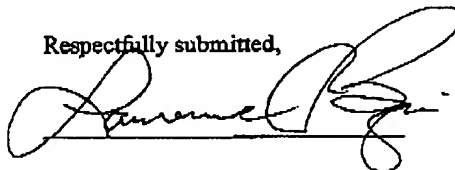
Thus, as none of the cited references show or suggest all of the features recited in claim 1, no combination of the references would show or suggest all of these features. Therefore, a prima facie case of obviousness of claim 1 in view of the cited references has not been made, and the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over Pesce '580 in view of Way 284,441 and further in view of Berler '771 should be withdrawn. Furthermore, as claim 1 is deemed patentable and as claim 6 depends from claim 1, claim 6 should also be deemed patentable. In addition, as claim 7 depends from claim 6, claim 7 should also be deemed patentable.

Claims 16 and 17 have been amended to further distinguish the present invention from the cited references.

In view of the above amendments and remarks, the Applicant believes that all rejections of record have been overcome. Accordingly, the Applicant courteously solicits favorable reconsideration, allowance of the remaining claims, and passage of the present application to grant. Concurrently herewith, Applicants petition for a one-month extension for the period of response. Our credit card authorization sheet is included in payment of the appropriate fee. The Commissioner is authorized to charge any deficiencies related to this paper to deposit account no. 50-3238.

Attachments: Marked-up drawing sheets

Respectfully submitted,



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